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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,201	05/17/2007	Karsten Haug	10191/4380	7649

26646 7590 01/09/2008

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EXAMINER	
BAKER, DAVID S	
ART UNIT	PAPER NUMBER
2884	

MAIL DATE	DELIVERY MODE
01/09/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

TH

Office Action Summary	Application No.	Applicant(s)	
	10/583,201	HAUG, KARSTEN	
	Examiner	Art Unit	
	David S. Baker	2884	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 June 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *15-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *15-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 June 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *06/15/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 15-20 and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Weidel (DE 4107850 A1).

Regarding claim 15, Weidel discloses driver assistance night-vision system for a motor vehicle, comprising: a camera having an image sensor and a filter element (C:3 L:55-66), wherein the image sensor is configured for recording electromagnetic radiation from the visible range and the infrared range of the spectrum (C:3 L:55-66), and wherein the filter element is positioned in an optical path of the night-vision system in such a way that the filter element causes an attenuation of recorded electromagnetic radiation from predefined partial areas of an image scene (C:3 L:55-66), and wherein the predefined partial areas of the image scene are imaged onto corresponding predefined partial areas of the image sensor (C:3 L:55-66).

Regarding claim 16, Weidel discloses that the camera is sensitive in a wavelength range of 400 to 1100 nm (C:2 L:8-11).

Regarding claim 17, Weidel discloses that the attenuation of the recorded electromagnetic radiation includes attenuation of electromagnetic radiation corresponding

to a portion of the image scene in a close range from the driver's perspective (C:3 L:55-66).

Regarding claim 18, Weidel discloses that the filter element has a wavelength-dependent filter characteristic, and wherein a transmittance function of the wavelength-dependent filter characteristic is adapted based on selected application criteria for the night-vision system (C:3 L:48-55).

Regarding claim 19, Weidel discloses that the filter element has a locus-dependent filter characteristic, and wherein a transmittance function of the wavelength-dependent filter characteristic is adapted based on selected application criteria for the night-vision system (C:3 L:55-66).

Regarding claim 20, Weidel discloses a locus-dependent filter characteristic is set in accordance with an inverse, locus-dependent sensitivity of an overall optical system of the night-vision system, so as to compensate for lack of homogeneity of radiation intensity from a far range (C:3 L:5-8).

Regarding claim 25, Weidel discloses a control unit operatively coupled to the camera and a high-beam headlight and a low-beam headlight of the motor vehicle, wherein the high-beam headlight projects a light having a spectral range that substantially does not overlap with a spectral range of a light projected by the low-beam headlight (C:2 L:40 thru C:3 L:25).

Regarding claim 26, Weidel discloses a camera for a night-vision system for a motor vehicle, comprising: a radiation-sensitive image-sensor surface configured for recording electromagnetic radiation in the infrared range (C:3 L:55-66); a filter element

positioned in an optical path of the night-vision system so as cause an attenuation of electromagnetic radiation recorded at predefined partial regions of the image-sensor surface (C:3 L:55-66).

Regarding claim 27, Weidel discloses a filter element for a night-vision system for motor vehicles, the night-vision system including a camera having a radiation-sensitive image-sensor surface configured for recording electromagnetic radiation in the infrared range, the filter element comprising: a filter configured to be positioned in an optical path of the night-vision system so as to cause an attenuation of electromagnetic radiation recorded at predefined partial regions of the image-sensor surface (C:3 L:55-66).

3. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weidel (DE 4107850 A1) in view of Weidel (DE 4137551 A1).

Regarding claim 21, Weidel (DE 4107850 A1) claimed invention but does not disclose expressly that the filter element is affixed in an exchangeable manner. Weidel (DE 4137551 A1) discloses an image improving method including affixing a filter in an exchangeable manner (C:2 L:58-68). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to provide a filter in an exchangeable manner for the apparatus of Weidel (DE 4107850 A1). The motivation for doing so would have been to decrease the difficulty in replacing the filter if corrosion occurs.

4. Claims 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weidel (DE 4107850 A1) in view of Albou (FR 2732849 A1).

Regarding claim 22, Weidel discloses the claimed invention but does not disclose expressly that the filter element is positioned directly in front of the image sensor. Albou discloses an automobile vision assistance system wherein a filter is mounted directly in front of the image sensor (P:4 L:32-34). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to place the filter directly in front of the image sensor. The motivation for doing so would have been to reduce the complexity of the optical path thereby reducing the cost of the optical system.

Regarding claim 24, Weidel discloses the claimed invention but does not disclose expressly that the filter element is configured as an integrated part of a protective glass for the image sensor. Albou discloses an automobile vision assistance system wherein a filter element is configured as an integrated part of a protective glass for the image sensor (P:4 L:32-34). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to integrate the filter as part of a protective glass for the image sensor. The motivation for doing so would have been to decrease the number of stand alone components of the optical system thereby reducing the cost of the optical system.

5. Claims 23 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weidel (DE 4107850 A1) in view of Slawek (US 3,704,375 A).

Regarding claim 23, Weidel discloses the claimed invention but does not disclose expressly that the filter element is a coating on the image sensor. Slawek discloses a filter coating on an image sensor (C:4 L:51-64). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a filter coating as

taught by Slawek as the filter of Weidel. The motivation for doing so would have been to decrease the complexity of the device by eliminating a stand alone filter thereby reducing replacement and repair costs.

Regarding claim 28, Weidel discloses an image-sensor for a camera in a night-vision system for a motor vehicle, comprising: an image-sensor surface configured to record electromagnetic radiation from the infrared range (C:3 L:55-66), wherein the image-sensor includes a filter that causes an attenuation of electromagnetic radiation recorded on predefined partial areas of the image-sensor surface (C:3 L:55-66). Weidel does not disclose expressly that the filter is coated onto the surface of the image sensor. Slawek discloses a filter coating on an image sensor (C:4 L:51-64). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a filter coating as taught by Slawek as the filter of Weidel. The motivation for doing so would have been to decrease the complexity of the device by eliminating a stand alone filter thereby reducing replacement and repair costs.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David S. Baker whose telephone number is (571) 272-6003. The examiner can normally be reached on MTWRF 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Porta can be reached on (571) 272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DSB